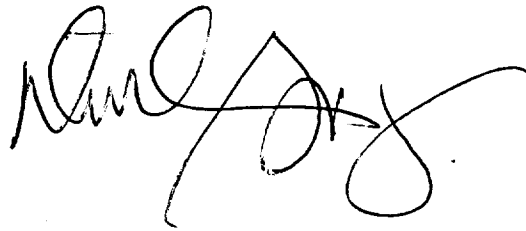


02-O-

02-0 -0361

AN ORDINANCE

BY



AN ORDINANCE TO AUTHORIZE THE DIRECTOR OF THE BUREAU OF PURCHASING TO PURCHASE FROM THE TRUST FOR PUBLIC LAND APPROXIMATELY 57 ACRES IN THE CITY OF ATLANTA KNOWN AS THE SWANN PRESERVE; FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM APPLICATION, THE SUPPLEMENTAL ENVIRONMENTAL PROJECT PURSUANT TO THE CONSENT DECREE, THE QUALITY OF LIFE BOND, AND THE URBAN DEVELOPMENT ACTION GRANT; AND FOR OTHER PURPOSES.

WHEREAS, The Trust for Public Land has offered to sell approximately 57 acres to the City for the purposes of providing public greenspace, furthering the goals of the Supplemental Environmental Project which the City has entered into pursuant to the Consent Decree with the United States EPA and other parties, as well as the goals of the Georgia Greenspace Program, Quality of Life Bond program, and the Urban Development Action Grant program for affordable housing development; and

WHEREAS, the Southside Redevelopment Plan and the Comprehensive Development Plan (CDP) express the future intent of the city to acquire the total tract of land for use as public greenspace and greenway trails; and

WHEREAS, the total price of acquisition is estimated to be less than \$250,000; and

WHEREAS, The Trust for Public Land agreed to donate certain services to the City to further reduce the cost to the City; and

WHEREAS, there are various funding sources available to the City of Atlanta for greenspace acquisition and conservation that include but are not limited to Park Impact Fees, Georgia Greenspace monies, Greenway Acquisition Project funds under the SEP to the 1998 Consent Decree, and Quality of Life General Obligation Bonds which may require that the City subdivide the property at closing in order to record the various easements and conditions which may be imposed as a condition for the use of certain funding sources; and

WHEREAS, The Trust for Public Land has agreed to allow a portion of the property to be used for development of housing in order to provide better public access to the property.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: The Purchasing Agent is hereby authorized to enter into a contractual agreement with The Trust for Public Land for the purchase of approximately 57 acres of property otherwise known as the Swann Preserve as shown and described in the attached Exhibit A, which includes "Proposed Expenditures," three legal descriptions, and a map of the subject property.

SECTION 2: The cost of said purchase to the City shall be \$250,000, inclusive of \$200,000 for land cost as well as due diligence costs not to exceed \$50,000, part of which will be paid from the following two Fund Account Center combinations, based upon the following partition of appropriations:

<u>Fund</u>	<u>Account</u>	<u>Center</u>	<u>Title</u>	<u>Amount</u>
1B02	771001	Y63U0211KTA0	State of Georgia Dept. of Natural Resources Georgia Greenspace Program (Fulton County)	\$80,000
3P02	771001	T31I02549999	Consent Decree for Greenway Acquisition	\$60,000
****	*****	*****	Urban Development Action Grant	\$60,000
TOTAL				<u>\$250,000</u>

SECTION 3: The acquisition by the City from The Trust for Public Land of said property shall be accomplished in accordance with the procedure set forth in Section 2-1541(d) and Section 2-1545(d) of the Code of Ordinances.

SECTION 4: The contractual agreement shall not become binding on the City and the City shall incur no liability upon until such contract has been executed by the Mayor and delivered to the contracting party.

SECTION 5: The Purchasing Agent is hereby directed to divide the property and to record appropriate deed restrictions or easements on said property consistent with the terms and conditions attached to use of the funds that fund the acquisition of the property.

SECTION 6: The Purchasing Agent is hereby authorized to enter into discussions for development of Tract 3 for affordable housing units as specified by the Urban Development Action Grant regulations.

SECTION 7: That development of Tract 3 shall comprise no more than 17 percent of the entire 57-acre tract.

SECTION 8: That proceeds from development of Tract 3 shall be placed in a fund to be used for maintenance of the entire Swann Preserve, such fund to be designated at a future date.

SECTION 9: The Trust for Public Land shall not receive any brokerage or real estate fees for this transaction.

SECTION 10: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Ordinance 01-O-1105

Exhibit A

02-0-0361

(Do Not Write Above This Line)

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- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER

Refer paper

Date Referred

2/18/02

Referred To:

Finance / Executive

First Reading

Committee

Date

Chair

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Held (see rev. side)

Other:

Members

Refer To

COUNCIL ACTION

☐ 2nd

☐ 1st & 2nd

☐ 3rd

Readings

☐ Consent

☐ V Vote

☐ RC Vote

CERTIFIED

MAYOR'S ACTION